

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 04-30172-MAP

4 ROBERT DADE,

5 Plaintiff,

6 vs.

7 BOLAND BUILDERS, INC., THOMAS
8 M. BOLAND, STUART JONES AND
9 MARY ROSE JONES,

10 Defendants.

11 DEPOSITION OF: MARY ROSE JONES, called by
12 counsel for the Plaintiff, taken pursuant to the
13 Federal Rules of Civil Procedure before Leigh B.
14 Gershowitz, Certified Shorthand Reporter, Registered
15 Merit Reporter, Certified Realtime Reporter and
16 Notary Public, at the Offices of O'Connell, Flaherty
17 & Attmore, 1350 Main Street, Springfield,
18 Massachusetts, on Friday, October 21, 2005,
19 commencing at 10:15 a.m.

20 APPEARANCES:

21 See Page 2

22 Leigh B. Gershowitz, CSR, RMR, CRR
23 Certified Shorthand Reporter
Registered Merit Reporter
Certified Realtime Reporter

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3 MARY ROSE JONES

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1 APPEARANCES:

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21 BY: NANCY FRANKEL PELLETIER, ESQUIRE

22 Also in Attendance:

23 Shawn, Liberty Mutual Insurance Company
Stewart Jones

1 STIPULATIONS

2
3 It is agreed by and between the parties that
4 all objections, except as to the form of the
5 question, are reserved to be raised at the time of
6 trial for the first time.

7
8 It is further agreed by and between the
9 parties that all motions to strike unresponsive
10 answers are also reserved to be raised at the time of
11 trial for the first time.

12
13 It is also agreed that the deponent will
14 read and sign the deposition.

15
16 It is further agreed by and between the
17 parties that notification to all parties of the
18 receipt of the original deposition transcript is also
19 hereby waived.

17

1 Q. And you have your area where you work and
2 that's near an area where these gentlemen were
3 looking at --
4 A. Yes.
5 Q. -- what work was to be done?
6 A. Yes.
7 Q. Where did you see them walking and
8 inspecting and viewing inside the house?
9 A. In the kitchen, where the -- the kitchen,
10 which is the addition.
11 Q. And do you recall anything that was said
12 by anybody?
13 A. Not really.
14 Q. Who all was there, do you recall?
15 A. Well, Boland was there.
16 Q. And this is Tom Boland?
17 A. Tom Boland. Someone from -- I think there
18 were -- actually, two guys from the roofers. And
19 that's all I remember.
20 Q. Okay.
21 A. I think, you know, the plumber might have
22 been -- you know, there were people there everywhere
23 all the time. And when you're trying to work, it's,

18

1 you know... Do you know what I'm saying? I wouldn't
2 know who was there, who was not. I just
3 remember -- I remember Tom was walking the roofers
4 through. And, you know, it was a pretty exciting
5 step, as I said earlier, so we were all interested
6 in -- this was -- just the fact that the roof was
7 going to finally get on.
8 Q. Was your husband home at that time?
9 A. Yes.
10 Q. And was he in the kitchen area as well?
11 A. Yes.
12 Q. Do you recall who was there with Dade, the
13 organization?
14 A. (Witness shook head.)
15 Q. The roofers?
16 A. No.
17 Q. Do you know -- do you remember whether or
18 not Robert Dade was there?
19 A. No.
20 Q. Do you know who Michael Dade is?
21 A. No.
22 Q. Did you have any -- were there any other
23 occasions in which you were in the vicinity of

19

1 anybody from Dade Roofing where there was some
2 discussion going on that you could either see or
3 overhear that you can recall today?
4 A. Other than the day of the accident, no.
5 Q. Now, turning back to the other occasion
6 when Boland was showing the roofers sort of around,
7 do you recall -- and I may have asked you this, and I
8 apologize -- do you recall specifically anything that
9 was said to anybody?
10 A. I don't recall anything specific. I know
11 that there was -- it was before they actually started
12 the barn. And so there was a discussion about what
13 was going to happen first. I was very interested in
14 the order of events. I -- not being home a lot,
15 that's an important issue to me. I want to know
16 what's going to get done, who is going to do it, what
17 time are they going to -- and I know the plan was
18 made to do the barn first and the kitchen last.
19 I know that -- and I honestly don't
20 know -- and I guess that's all I know. I just know
21 it was -- the order of events was very important and
22 the landscape of what they had to do, what they had
23 to accomplish. And the fact that we talked about how

20

1 we wanted the flow of the roof to go because the roof
2 was going over both the old and the new. It was very
3 important to me to see it tied together, that it
4 looked like it was a single job, not two pieces.
5 I know they talked about the skylights.
6 They talked about the overhang on the porch. And we
7 had a problem with how the overhang was fitting
8 together. I know they talked about that. But I
9 think that's all.
10 Q. There were skylights to be installed in
11 the kitchen, correct?
12 A. Yes, three.
13 Q. Had those skylights been installed?
14 A. Skylights were not installed.
15 Q. Had the openings been cut?
16 A. Yes.
17 Q. And what was covering the openings, if you
18 know?
19 A. Eventually there was tarpaper covering the
20 openings, but I don't remember if that tarpaper was
21 on that day or if it was put on later. Tom was in
22 the -- Tom was -- Tom was in the process of getting
23 the roof ready for the guy to put -- for the roofing

21

1 to get done, which is one of the reasons why they
2 were talking about the order of events because they
3 were trying to measure how much time they had to get
4 certain things prepped. And I honestly don't
5 remember if the tarpaper had been put up at that time
6 when they were walking through or if it was put up
7 after that.

8 Q. What was up there to prevent rain from
9 getting in?

10 A. That's what I'm saying. Initially there
11 was nothing up there. And then Tom put up tarpaper.
12 But I don't remember the sequence of events. I don't
13 remember if the roofers came and then he put it up or
14 if they were still in the prep of getting the main
15 house ready for the roofing. The barn had already
16 been done.

17 Q. At any time after the skylight opened cut,
18 but before Mr. Boland's accident, was there anything
19 like plywood, roofing, sheeting, put up over the
20 holes?

21 A. I wouldn't know that. I just remember
22 they were opened. We had rain. Tom put up tarpaper
23 to cover the openings. And they had to lay down the

22

1 tarpaper -- in order to put the roof in and set the
2 windows, you have to have the tarpaper on, so I don't
3 know the order of those events.

4 Q. Do you recall any other occasions where
5 you were in an area where the roofers were discussing
6 anything at all?

7 A. Other than the day of the actual accident,
8 the only time -- the only time that I was present was
9 when they were doing their walk-through.

10 Q. Okay. Now, between the walk-through and
11 the date of the accident, do you recall how long a
12 time period passed?

13 A. I don't recall how long. But it was a
14 matter of days.

15 Q. The day of the accident, certainly Robert
16 Boland was at your house?

17 A. Robert Dade.

18 Q. Robert Dade. I'm sorry.

19 Who else that you recall was there?

20 A. I don't -- I honestly don't recall.

21 Stewart and I were both home. I don't remember who
22 else was there. The only activity going on at the
23 house that I recall was the barn was being roofed.

23

1 That's when they were finishing -- that day was -- I
2 don't know if it was the last day they were doing the
3 roof, but I think they had, like, three days to do
4 the roof and then the middle of the house.

5 Q. Did you see Robert Dade at any time that
6 you remember specifically before the accident?

7 A. No.

8 Q. So the first time that you knew that he
9 individually was at your house, as opposed to
10 generally Dade Roofing, was after the accident
11 happened?

12 A. Yes.

13 Q. Well, how did you learn that the accident
14 had occurred?

15 A. I heard it.

16 Q. Okay. Where were you when you heard it?

17 A. I was in the old dining room working.

18 Q. This is your home office area?

19 A. Yes.

20 Q. And how far away is that from where the
21 accident happened, where Mr. Dade landed?

22 A. I don't know for sure, but I know the
23 dimensions of the rooms very well. So let me think

24

1 about this. Probably about 12, 13 feet.

2 Q. Okay. And what exactly alerted you to the
3 fact that the --

4 A. The sound.

5 Q. And what sound was that?

6 A. I heard a scream and I heard a bang.

7 Q. And when you heard the scream and bang,
8 what did you do?

9 A. I got up from my chair and went into the
10 kitchen -- ran into the kitchen.

11 Q. And what did you see?

12 A. I saw Robert Dade -- I didn't know it was
13 Robert Dade at the time -- laying on the floor. And
14 it appeared that he had fallen through one of the
15 skylights.

16 Q. Did you look up at the skylight?

17 A. No. I was focused on him.

18 Q. Did you at any time look up and see that
19 the skylight was -- the tarpaper was torn open or
20 anything like that?

21 A. Yes.

22 Q. When did you first do that?

23 A. I don't know.